

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2899 OF 2025**

Rishabh Rajesh Pawar Through FatherPetitioner

versus

State of Maharashtra and Ors.Respondents

Mr. R. K. Mendadkar a/w Mr. Siddhant Sawai a/w Mr. Jagdish Kawale for the Petitioner.

Mr. B. V. Samant Addl. G. P. a/w Mr. A. K Naik, AGP for the Respondent.

Mr. Vishwas Gujjar Officer Present Respondent No.3.

Mr. Vaibhav Rajam. Officer Present respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 1ST APRIL, 2025

P.C. :-

1. A short issue has been raised before us.
2. The Petitioner has been issued with Form 'C' certificate dated 12th April, 2019 for belonging to the Thakur Scheduled Tribe category. His father has also been granted a Validity Certificate. Now the Petitioner desires, vide this Petition filed on 25th February,

2025 that a particular clause from the tribe certificate may be deleted.

3. We have perused Rule 5(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, which indicates the manner in which the Caste Certificate can be granted by recording a migration of a candidate from one district to another district or from jurisdiction of one Competent Authority to another, within the State. Clause (a) there below permits the Competent Authority to be satisfied of the claim of the candidate who has migrated from such district.

4. The Petitioner's father is admittedly in employment at Taluka-Kalyan, district Thane in the State of Maharashtra. He has a Thakur Scheduled Tribe Certificate issued on 31st December, 1992. It is shown that he ordinarily resides in district Nashik in the State of Maharashtra. The Petitioner is a minor (who has appeared through his father), who is taking education in Kalyan since he is dependent on his father. The Form 'C' certificate dated 12th April,

2019 issued to him indicates in Clause (2) that he is ordinarily a resident of Taluka Kalyan, District Thane.

5. We find that Clause (2) can be corrected, in view of the Clause found in the father's certificate which mentions that the father was ordinarily a resident of District Nashik. Hence, Clause (2) can mention that the Petitioner ordinarily resides in Nashik. Clause (3) which is a scrolled out in Form 'C' granted to the Petitioner, will have to be appropriately filled in with the details of the father's Tribe Certificate (mentioned as Caste Certificate), keeping in view that the father has already received a Scheduled Tribe Validity Certificate.

6. In view of the above, this **Writ Petition is disposed off** with a direction that the Petitioner through his father, shall make an online application. He will surrender the original Form 'C' Certificate dated 12th April, 2019 by tendering it physically in the Office at the earliest.

7. Respondent No.3 shall carry out appropriate corrections in Clause (2) and would also fill in the details in Clause (3) and

issue such Form 'C' Scheduled Tribe Certificated within 15 days from the submission of the online application and surrendering of the original Certificate.

8. We make it clear that though the Petitioner should have approached the Committee in accordance with the Rules, we have entertained this petition in the peculiar facts and circumstances of the case, without laying down a precedent. So also, the fact of mentioning the Petitioner's ordinary residence in tune with the entry of his father's name in the Tribe Certificate, will not influence the Committee and the Petitioner's proposal for seeking Certificate of Validity, would be decided by the Committee on its own merits.

9. **The Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)